

**CR 07 00550 RMWHRL E-FILED**  
**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION**

2007 AUG 22 P 3:50

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA., S.J.

**THE UNITED STATES OF AMERICA**

**vs.**

**VICTOR MARTINEZ**

**INDICTMENT**

Count One: Title 18, United States Code, Section 3146(a)(2) -  
Failure to Surrender for Service of Sentence

*10/ Rom*  
Count Two: Title 18, United States Code, Section 401(3) -  
Contempt of Court

***A true bill.***

*Ramona Wells*

***Foreperson***

***Filed in open court this 22 day of Aug.***

***A.D. 2007***

*[Signature]*

**UNITED STATES MAGISTRATE JUDGE**

***Bail. \$ NO bail warrant***

SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney

E-FILED

FILED

AUG 22 2007

HILDA R. V. JUEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HRL

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTOR MARTINEZ,

Defendant.

CR No. 07 00550RMW

VIOLATIONS:

18 U.S.C. § 3146(a)(2) - Failure to  
Surrender for Service of Sentence; 18 U.S.C.  
§ 401(3) - Contempt of Court

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 3146(a)(2))

On or about April 21, 2006, in the Northern District of California, the defendant,

VICTOR MARTINEZ,

having been released from custody pursuant to Title 18, United States Code, Section 3142, in  
Criminal Case No. CR-01-20086-JF in the United States District Court for the Northern District  
of California, San Jose Division, did knowingly fail to surrender for service of sentence pursuant  
to a court order, in violation of Title 18, United States Code, Section 3146(a)(2).

INDICTMENT

COUNT TWO: (18 U.S.C. § 401(3))

On or about April 21, 2006, in the Northern District of California, the defendant,  
VICTOR MARTINEZ,  
did knowingly and intentionally disobey and resist a lawful writ, process, order, rule, decree, and  
command of a court of the United States, to wit, an order of United States District Judge Jeremy  
Fogel in Criminal Case No. CR-01-20086-JF in the United States District Court for the Northern  
District of California, San Jose Division, that the defendant surrender at the institution designated  
by the United States Bureau of Prisons or to the United States Marshal before 2:00 p.m. on April  
21, 2006 for service of a sentence of three months of imprisonment, in violation of Title 18,  
United States Code, Section 401(3).

DATED: 8/22/07

A TRUE BILL.

*Ramona L. Wells*  
FOREPERSON

SCOTT N. SCHOOLS  
United States Attorney

*Matthew A. Parrella*  
MATTHEW A. PARRELLA  
Chief, San Jose Office

(Approved as to form: *John N. Glang*)

AUSA John N. Glang

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING

**OFFENSE CHARGED**

18 U.S.C. § 3146(a)(2) - Failure to Surrender for Service of Sentence

**PENALTY:**

2 years imprisonment, \$250,000 Fine, one year supervised release, \$100 special assessment

18 U.S.C. § 401(3) - Contempt of Court

PENALTY: No Maximum penalty provided

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

CR 07

00550

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

DEPUTY U.S. MARSHAL TIM SHOBAR

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

CR 01-20086-JF

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

MAGISTRATE CASE NO.

Name and Office of Person  
Furnishing Information on  
THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y  
(if assigned)

JOHN N. GLANG

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

VICTOR MARTINEZ

DISTRICT COURT NUMBER

2007 AUG 22 P 3:55

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CAL. S.J.

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

4) ☐ On this charge

5) ☒ On another conviction

6) ☐ Awaiting trial on other charges

☐ Fed'l ☒ State

If answer to (6) is "Yes", show name of institution

SANTA RITA/DUBLIN - state parole violation

Has detainer been filed? ☐ Yes ☒ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

May 31, 2007

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**

☐ SUMMONS ☐ NO PROCESS\*

☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: